IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH PAUSHA 1928

WP(C).No. 32012 of 2006(J)

PETITIONER:

SUMITHRA, AGED 46, W/O. RAJENDRAN,
RESIDING AT 'REVATHY', KOONAYIL CHERRY,
PARAVUR VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.V.VENUGOPALAN NAIR
SRI.C.UNNIKRISHNAN (KOLLAM)

RESPONDENTS:

THE PARAVUR MUNICIPALITY, REPRESENTED
BY ITS SECRETARY, MUNICIPAL OFFICE, PARAVUR,
KOLLAM DISTRICT.

BY ADV. SRI.B.SURESH KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO.32012 of 2006

Dated this 17th day of January, 2007

JUDGMENT

The petitioner seeks to quash of Ext.P4 order passed by the Municipality on the ground that it is a totally non speaking one. Reliance was placed by the learned counsel for the petitioner on the judgment of this court in **Sasidharan v. Corporation of Cochin (2000 (3) KLT) Short Note 40**). Sri.B.Suresh Kumar, the learned Standing Counsel for the Municipality would submit that it was after hearing the petitioner as well as the defacto complainant, Smt.Radha that Ext.P4 order was passed. May be what the learned Standing Counsel says is correct. But, Ext.P4 does not refer to any of these things. It does not even refer to objection (Ext.P2) which was submitted by the petitioner in response to Ext.P1 series. On Reading of Ext.P4 it would appear as if the petitioner did not even submit any reply to Ext.P1 series.

2. Under the above circumstances, Ext.P4 has to be quashed. I do so. The Municipality is directed to pass fresh

orders in the light of the hearing stated to have been conducted already on the basis of Ext.P1 series and Ext.P2 objection. Fresh orders to be passed on the basis of the above directions will be communicated to the petitioner. It is needless to remind the Municipality that the revised order to be passed shall be a reasoned one referring to the objection raised and the arguments urged. Fresh order as directed above will be passed and communicated by the Municipality to the petitioner within three weeks of receiving a copy of this judgment. In view of the above directions, the order of stay presently passed will continue for another six weeks.

The writ petition is disposed of as above.

PIUS C.KURIAKOSE
Judge

dpk